



Maine

TESTIMONY OF MICHAEL KEBEDE

Ought Not to Pass

**LD 252, An Act to Withdraw from the
National Popular Vote Compact**

LD 1373, An Act to Repeal the National Popular Vote Compact

PO Box 7860
Portland, ME 04112

(207) 774-5444
ACLUMaine.org
@ACLUMaine

Joint Standing Committee on Veterans and Legal Affairs

April 14, 2025

Senator Hickman, Representative Supica and members of the Joint Standing Committee on Veterans and Legal Affairs, good morning. My name is Michael Kebede and I am policy director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions through advocacy, education, and litigation. On behalf of our members, I urge you to reject LDs 252 and 1373, which would remove Maine from the National Popular Vote Compact.

The National Popular Vote Compact provides that state election officials in all states participating in the plan award their Electoral College votes to the presidential candidate who receives the largest national popular vote total from all 50 states and the District of Columbia. This compact would not go into effect until joined by states collectively possessing a majority of the electoral votes, or 270 of the 538 electoral votes.

Article II, Section 1 of the Constitution provides that: "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors . . ." Thus, the states have inherent power to select their Electors as they see fit, provided that some other provision of the Constitution, such as the Fourteenth or Fifteenth Amendments, is not violated. The U.S. Supreme Court has held that states have exclusive power over the appointment and mode of appointment of electors under the Constitution. Therefore, exercising this state power in no way infringes on any area of supremacy of the United States, as there is no federal power to award electoral votes.



The ACLU of Maine supports the national popular vote compact because it advances two fundamental principles of our nation's democracy: first, the principle of "one person, one vote"; and second, that the candidate with the most votes becomes president.

First, the compact would eliminate the possibility that a candidate who received the most popular votes but did not receive the requisite 270 Electoral College votes needed to win, could lose the election. This has happened five times in American history: in 1824 (Adams-Jackson), 1876 (Hayes-Tilden), 1888 (Harrison-Cleveland), 2000 (Bush-Gore), and 2016 (Trump-Clinton).

Second, by ensuring that each vote cast has an equal impact on the outcome of the presidential election, the National Popular Vote Compact would give each voting citizen equal power in the election, regardless of the state in which the voter lives. Instead of voters in a few states deciding the outcome of the presidential election, candidates will need to speak to — and listen to — all citizens throughout the country equally.

Last, the Electoral College is a vestige of American slavery. When it was created, northern and southern states had roughly equal populations. However, approximately one-third of the people who lived in southern states were Black and could not vote. The Electoral College gave southern states more voting power while allowing them to still count enslaved people as 3/5 of a person for purposes of representation in congress, which forms the basis for a state's number of electors. People were enslaved in the North and South, yet this clause proved essential for slaveholders' political power in the South. By joining the National Popular Vote Compact, Maine will move our state and nation one step closer to uprooting the dark parts of our history, living up to our collective promise of treating all people equally under the law, and ensuring that the president is the person who wins the most votes.

We urge you to oppose LDs 252 and 1373.